IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 973 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/05/2004 in WPMP.NO.11758 of 2004 WP NO : 9143 OF 2004 on the file of the High Court.)

Between:

Vice-Chairman & Managing Director Chairman of PF(Trust) of APSRTC
Mushirabad, Hyderabad

..... APPELLANT

AND

1 Mohammed Ali S/o Gulam Dastagiri, H.No.17-39-40, Chandranagar,

Yafutpure, Hydrabad-23.
2 Industrial Tribunal -I , Hyderabad rep.by its Chairman

.....RESPONDENT(S)

Counsel for the Appellant:MR.K.HARINATH, Advocate.

Counsel for the Respondent No.: A.K.JAYAPRAKASH RAO, Advocate.

The Court made the following :

JUDGMENT : (per Sri Bilal Nazki, J)

The order passed by the learned Single Judge reads as under :

> *"There shall be interim direction to the petitioner to pay the pension from 01-01-99 onwards instead of 01-01-98 as ordered by the Tribunal."*

Instead of going to the learned Single Judge to modify the order, an appeal is filed. This Court granted interim suspension and notice. Now, a vacate stay petition had been filed.

The right course for the appellant would have been to approach the learned Single Judge for modification of the order, if he had felt aggrieved of that order. Since the learned Single Judge had passed an order only by way of an interim arrangement, we do not think it proper to decide the controversy between the parties in this appeal.

Appeal is accordingly dismissed. Appellant is at liberty to approach the learned Single Judge for any modification of the order passed by him. No costs.

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(BILAL NAZKI, J)

26th August, 2004.

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(P.S.NARAYANA,J)

ajr

To

1 Mohammed Ali S/o Gulam Dastagiri, H.No.17-39-40, Chandranagar,

Yafutpure, Hydrabad-23.
2 The Chairman, Industrial Tribunal -I , Hyderabad.

3 Two C.D. copies.

4 The Vice-Chairman & Managing Director Chairman of PF(Trust) of APSRTC Mushirabad, Hyderabad